



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/357,764	07/21/1999	GUY NATHAN	871-63	9715

7590 05/10/2004
JOSEPH S PRESTA
NIXON & VANDERHYE PC
1100 N GLEBE ROAD
8TH FLOOR
ARLINGTON, VA 22201

EXAMINER

HUYNH, SON P

ART UNIT	PAPER NUMBER
----------	--------------

2611

DATE MAILED: 05/10/2004

16

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/357,764

Applicant(s)

NATHAN, GUY

Examiner

Son P Huynh

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 11-16 have been considered but are moot in view of the new ground(s) of rejection.

Information Disclosure Statement

2. The information disclosure statement filed July 21, 1999 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.
3. Applicant is required to provide a copy of the documents as indicated by a cross line in the IDS (paper No. 7) for consideration as to the merits.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 11 –13 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin et al. (US 5,355,302) in view of Cohen (US 6,198,408), and further in view of Blahut et al. (US 5,663,756).

Regarding claim 11, Martin et al. teaches a jukebox system, comprising:
a plurality of jukebox devices 13, wherein each jukebox device includes a microprocessor 121, a storage device 93 for storing audiovisual information that can be reproduced by the jukebox device in response to user request, an audio system 129 for playing audio, a visual display 125 for displaying video, and a communication system 19 for enabling the jukebox to communicate through an audiovisual distribution network 15; a server (central management system 11) remote to the jukebox device 13 that provides services to the jukebox device 13, wherein the server and the jukebox can communicate with each other through the distribution network 15, a plurality of control devices 123 for the jukebox devices, respectively, each of the control devices 123 being operable to control one of the jukebox devices when the jukebox device recognizes a control code transmitted from the control device 123 (see figure 1, col. 5, line 41+). However, Martin et al. does not specifically disclose at least one jukebox is operable to store the control code for use in comparing the control code sent by the remote control with the control code stored on the jukebox to determine whether or not the jukebox will respond to

control codes from the remote control; and control code comprising an identification code.

Cohen teaches converter device 100 is operable to store the control code for use in comparing the control code sent by a remote control transmitter with the control code stored on in memory 106 of converter device to determine whether or not the converter device will respond to control codes from the remote control transmitter (see figures 2, 3A, 3B and col. 1, line 50+). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Martin to use the teaching as taught by Cohen in order to remotely control the jukebox and prevent unauthorized user. However, neither Martin nor Cohen specifically discloses control code comprising identification code.

Blahut teaches control code comprising identification code (first bit code, which identifies the Remote Control Unit, is transmitted along with a bit code from the set of bit code – col. 1, line 35+). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Martin and Cohen to use the teaching as taught by Blahut in order to identify the user of RCU, therefore providing appropriate data to the user.

Regarding claim 12, Cohen teaches each of the converter device include a learning mode that enables the control code to be obtained from the remote control and stored on the converter device 100 (see figures 2, 3A and col. 1, line 36+).

Regarding claim 13, Cohen teaches the remote control transmitter is operable to activate and deactivate (on/off) the converter device 100 (see col. 2, line 15+).

Regarding claim 15, Cohen teaches the learning mode as discussed in the rejection of claim 12. It is obvious that the learning mode is incorporated into an operating system of the television device in order to provide convenience for user to operate the system.

Regarding claim 16, Martin in view of Cohen and Blahut teaches a device as discussed in the rejection of claim 11. Blahut further discloses the remote control device has a plurality of keys and operable to transmit a control code comprising an identification code and at least one code of key that has been used (figure 1 and col. 1, line 35).

6. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martin et al. (US 5,355,302) in view of Cohen (US 6,198,408) and Blahut (US 5,663,756), and further in view of Nathan (US 6,308,204).

Regarding claim 14, Martin in view of Cohen teaches a system as discussed in

the rejection of claim 11. However, neither Martin nor Cohen nor Blahut teaches the remote control is operable to activate and deactivate a payment device on the jukebox device.

Nathan discloses fee payment device 35 is coupled to input control circuit 3 (figure 1). Nathan further discloses system command module allows execution of functions which command the system to accept a required input by an infrared remote control device.... the manager can control all the setting which are possible with remote control (col. 7, line 21+). Necessarily, the remote control is operable to activate and deactivate a payment device on the jukebox device. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Martin and Cohen and Blahut to use the teaching as taught by Nathan in order to remotely activate and deactivate the payment device.

7. Claims 11 –13 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mino et al. (US 5,980,261) in view of Cohen (US 6,198,408).

Regarding claim 11, Mino discloses karaoke system comprises host apparatus 2 communicates with plurality of remote karaoke terminals 1 via communication network 3. Host apparatus 2 provides karaoke data to plurality of remote karaoke terminal apparatus 2 (figure 1). Each remote karaoke terminal comprises operation control 19 for receiving control signals from remote control 8 and operation panel 7; central

processing unit 4 includes a microprocessor; hard disk drive 6 for storing karaoke data. display 15 for displaying video output, speaker 11 (figure 1). Thus, jukebox device is met by remote karaoke terminal apparatus 1, wherein microprocessor is met by CPU 4; storage device is met by HDD 6; audio system is met by devices 10-12; display device is met by CRT display 15, communication system is met by communication network 3; server is met by host apparatus 2; remote control device is met by remote control 8. Mino further discloses remote control 8 includes a remote control equipped with the terminal apparatus 1 and a personal remote control which belongs to each customer. The personal remote control is designed such that a unique ID code as a preamble code is included in the output signals such as signal using infrared radiation. When one customer is related to the ID code of the personal remote control of his/her own, the ID code of the personal remote control is considered to be his/her customer ID. Therefore, a customer having a personal remote control selects the song he/she want to sing at a remote terminal apparatus 1, the CPU 4 or the operation control portion 19 of the terminal apparatus 1 recognizes the customer ID by analyzing the input signal of the remote control 8. The CPU determines if the customer ID is stored in memory of the terminal apparatus; if the customer ID does not exist in the terminal 1, the CPU accesses the host apparatus 2 to download the corresponding customer record from host apparatus and stored in terminal apparatus 1. The terminal apparatus then generates a message according to predetermined message generation rules (col. 4, line 48+). Inherently, the control code (signal received from remote control 8) comprises an identification code (personal remote control ID) transmitted from the remote control, and

the control code is compared with the control code stored in memory of terminal apparatus 8 to provide the requested data. However, Mino does not specifically disclose the terminal apparatus will not respond to codes from the remote control.

Cohen discloses comparing the entered code in Operational Mode with code stored during the Learn Mode, and to effect the control of the electrical device when a match is found between the codes (col. 1, line 30+). Necessarily, the device will not respond to codes from the remote control. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mimo to use the teaching as taught by Cohen in order to remotely control the jukebox and prevent unauthorized user.

Regarding claim 12, Cohen teaches each of the converter device include a learning mode that enables the control code to be obtained from the remote control and stored on the converter device 100 (see figures 2, 3A and col. 1, line 36+).

Regarding claim 13, Cohen teaches the remote control transmitter is operable to activate and deactivate (on/off) the converter device 100 (see col. 2, line 15+).

Regarding claim 15, Cohen teaches the learning mode as discussed in the rejection of claim 12. It is obvious that the learning mode is incorporated into an operating system of the television device in order to provide convenience for user to operate the system.

Regarding claim 16, Mino in view of Cohen teaches a device as discussed in the rejection of claim 11. However, neither Mino nor Cohen specifically discloses the remote control device has a plurality of keys. It would have been obvious that remote control has plurality of keys in order to provide multiple functions using remote control.

8. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mino (US 5,980,261) in view of Cohen (US 6,198,408) and further in view of Ogasawara (US 6,543,052).

Regarding claim 14, Mino in view of Cohen teaches a system as discussed in the rejection of claim 11. However, neither Mino nor Cohen specifically discloses the remote control is operable to activate and deactivate a payment device.

Ogasawara discloses set top box 10 is controlled by a remote control unit (col. 2, line 15+). Remote control unit 14 includes a keypad 30 for allowing input of keypad data to the STB 10, the keypad data comprises a power key, various numeric or alpha character keys, function keys (col. 4, line 13+). STB 10 includes an IC card interface 88 configured to read information from and write information to an IC or smart card. This IC card and IC card interface 88, in combination, provide a suitable means for authenticating an STB 10 as a valid receiver of particular TV services. The IC card can also provide secured payment method (credit card, prepaid electronic cash, etc. – col.

Art Unit: 2611

8, line 21+). Necessarily, the remote control is operable to activate and deactivate a payment device (IC interface 88) on the jukebox device (STB 10). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mino and Cohen to use the teaching as taught by Ogasawara in order to remotely control payment device.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Petite (US 5,926,531) discloses transmitter for accessing pay type telephones.

Xidos (US 5,851,149) teaches distributed gaming system.

Hopkins (US 5,999,624) teaches remote financial transaction system.

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2611


the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P Huynh whose telephone number is 703-305-1889. The examiner can normally be reached on 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Son P. Huynh
April 21, 2004



VIVEK SRIVASTAVA
PRIMARY EXAMINER